

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Wayne Michael Smith,)	C/A No.: 1:14-1113-TMC-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Linda Middleton and Tony Davis,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on October 2, 2014. [Entry #40]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on October 3, 2014, advising him of the importance of the motion for summary judgment and of the need for him to file an adequate response by November 6, 2014. [Entry #41]. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendants' motion for summary judgment by November 21, 2014. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*,

588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



November 7, 2014
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge